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SFA Update

Office of Sustainable Fisheries *June 1997*

National Marine Fisheries Service Begins Implementation of New Magnuson Act

On September 27, 1996, Congress passed the Sustainable Fisheries Act (SFA), Public Law 104-297, which amended the Magnuson Fishery Conservation and Management Act (renamed the Magnuson-Stevens Fishery Conservation and Management Act). The SFA was signed into law on October 11, 1996. It includes numerous provisions that will require science, management and conservation actions by the National Marine Fisheries Service (NMFS), and includes changes and mandates that must be implemented by required dates from December 1996 to December 1998. Implementing the requirements of the SFA is a principal requirement of NMFS over the next year and a half.

Some key provisions of the Sustainable Fisheries Act include:

- Preventing overfishing, and ending overfishing of currently depressed stocks;
- Rebuilding depleted stocks;
- Reducing bycatch and minimizing the mortality of unavoidable bycatch;
- Designating and conserving essential fish habitat;
- Reforming the approval process for Fishery Management Plans (FMP) and regulations;
- Reducing conflict-of interest on Regional Councils; and
- Establishing user fees

A summary of the provisions of the Sustainable Fisheries Act is included on pages 3 through 5 of this SFA Update. The articles in this, and future issues, describe actions that NMFS has taken or is taking to implement the provisions of the SFA.

Establishing Guidelines for Essential Fish Habitat

A proposed rule containing guidelines for the description and identification of Essential Fish Habitat (EFH) in fishery management plans, adverse impacts on EFH, a process for NMFS to coordinate and consult with Federal and State agencies on activities that may adversely affect EFH, and actions to conserve and enhance EFH was published in the Federal Register on April 23, 1997 [62 FR 19723]. The proposed rule included a comment period that, in consideration of numerous requests from interested parties, was extended to July 8, 1997. In response to requests from the public, the original comment period was extended to June 6, 1997. Five public meetings were held between May 12 and May 28, 1997 (Secaucus, New Jersey; New Orleans, Louisiana; Seattle, Washington; Juneau, Alaska; and Charleston, South Carolina). An additional public meeting will be held in South San Francisco, California, on July 2, 1997. The meeting will be held at the Holiday Inn North, 275 South Airport Boulevard from 1-5 p.m.

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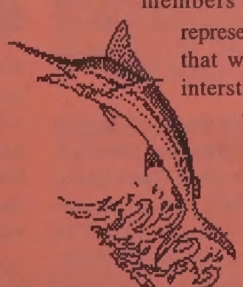
Longline and Billfish Advisory Panels Formed

As part of its activities to implement the Sustainable Fisheries Act, the Highly Migratory Species (HMS) Division of the Office of Sustainable Fisheries must create advisory panels (APs) to participate in the development and amendment of fishery management plans (FMPs). The APs will be composed of constituents from commercial, recreational, and environmental interests, as well as the scientific community. Each of the five Fishery Management Councils that work with highly migratory species will also hold a voting seat on each AP. Nonvoting members will include a representative from each state that works with HMS, the interstate Marine Fisheries Commissions, and the U.S. Advisory Committee to the International



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This is the first in a series of updates on NMFS implementation of Sustainable Fisheries Act (SFA) requirements. Throughout issues of the SFA Bulletin, "SFA §", followed by a section number, will identify specific sections of the Sustainable Fisheries Act. Sections of the Magnuson-Stevens Fishery Conservation and Management Act (M-SFCMA), as amended by the SFA, will be identified by "M-SFCMA §". This first issue summarizes some, but not all, of the requirements of the SFA. The summary is not intended to be inclusive. Please refer directly to the language of the SFA for details.

Implementing the Sustainable Fisheries Act: NMFS Accomplishments to Date

Immediately after the SFA was enacted, NMFS created a plan to implement the SFA. The SFA Implementation Plan contains numerous, detailed tasks necessary to further implementation of the SFA. A computerized tracking system of the Implementation Plan tasks is available on the SFA homepage online (http://kingfish.ssp.nmfs.gov/sfa). The National Oceanic and Atmospheric Administration (NOAA) Office of General Counsel for Fisheries (GCF) incorporated the SFA changes and amendments into a consolidated version of the M-SFCMA. It is available at the same web site. Another document prepared by GCF, also located on the SFA homepage is A Guide to the Sustainable Fisheries Act. This document summarizes and interprets each section of the SFA and includes legislative history on most sections. Since SFA became law, NMFS has succeeded in implementing many of the requirements of the SFA. A summary of completed tasks follows.

• November 1996 - Amendments to definitions in the Atlantic Coastal Fisheries Cooperative Management Act were reviewed. Necessary changes have been made. NMFS also prepared and sent guidance to the Regional Fishery Management Councils regarding the new review schedule for Fishery Management Plans (FMPs) and FMP amendments by the Secretary of Commerce (Secretary). An Advance Notice of Proposed Rulemaking (ANPR) on Essential Fish Habitat (EFH), was published in the Federal Register (see related story, page 1).

• December 1996 - A letter report to Congress regarding plans for implementing bycatch reduction agreements provisions of the SFA was prepared and transmitted. In addition, a revised schedule for key Secretarial events was distributed.

• January 1997 - Through its Northeast Fisheries Center, NMFS prepared and submitted a report to Congress on the New England fishing capacity reduction initiative.

• February 1997 - NMFS surveyed all Federal FMPs to identify existing standards and measures implemented for the purpose of reducing bycatch and prepared a report of its findings for the State Department. A notice seeking nominations to Highly Migratory Species (HMS) Advisory Panels (APs) (see related story, page 1) was published in the Federal Register.

• March 1997 - A Proposed Rule regarding EFH, a notice requesting nominations to an Ecosystem Principles AP, an ANPR regarding a Central Lien Registry System for Limited Access Permits (see related story, page 7), and a Rule regarding the lobster fishery in Maine "pocket" waters were published in the Federal Register.

• April 1997 - A Notice requesting nominations to Red Snapper Peer Review Panels (see related story, page 2), notice announcing membership of two HMS APs, and a notice requesting comments on other HMS APs were published in the Federal Register.

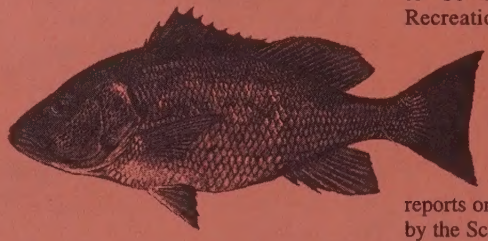
• May 1997 - A Final Rule on Foreign Fishing Vessels in Internal Waters, a Rule regarding Negotiated Conservation and Management Procedures, and a notice of the membership of the Ecosystem Principles AP were published in the Federal Register.

Finally, NMFS has held more than 50 briefings, workshops and/or hearings on the SFA or implementation activities of the SFA since the beginning of December 1996.

Red Snapper Peer Review Panels Forming

NMFS Office of Science and Technology is in the process of forming three independent peer review panels (statistics, economics, and science and management) to conduct an evaluation of the basis for conserving and managing the red snapper fishery in the Gulf of Mexico (Gulf). A request for nominations to the panels was published in the Federal Register on March 13, 1997 (62 FR 11844). The nomination process was closed on June 4, 1997.

The Gulf red snapper is presently managed under the Gulf of Mexico Fishery Management Council's Reef Fish Fishery Management Plan (FMP) and subsequent amendments to this plan designed to provide further protection to the stock. Despite recent studies that have indicated that progress has been made in rebuilding, the Gulf red snapper stock is currently considered overfished. This has been attributed to a combination of overexploitation by directed fisheries (commercial and recreational), high bycatch mortality of juvenile fish in the Gulf shrimp fishery, and biological characteristics of red snapper that make it vulnerable to overfishing.



The Statistics Panel will evaluate the available statistics for the red snapper fishery in the Gulf, and will examine red snapper data collection programs in the Gulf that provide the basic scientific information for red snapper management and assessments. Data collection programs to be considered include Marine Recreational Fishery Statistics Survey (MRFSS), state sampling programs, shrimp trawl bycatch surveys and the cooperative commercial fisheries statistics program, among others. The panel members will produce reports on their findings that will be used by the Science and Management Panel in its review.

The Economics Panel will assess whether the analyses used to determine the appropriateness of the Individual Transferable Quota (ITQ) system were adequate and whether analyses of alternate options are necessary. It will review available economic data and analyses concerning the economic implications of employing management options other than an ITQ system.

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The SFA Update is published periodically by the Office of Sustainable Fisheries, National Marine Fisheries Service, 1335 East-West Highway, Silver Spring, Maryland 20910. Suggestions and comments should be sent to the above address, ATTN: SFA Update.

Gary C. Matlock, Ph.D., Director, Office of Sustainable Fisheries

Overview of the Sustainable Fisheries Act

The Sustainable Fisheries Act contains changes to definitions, reporting and data collection methods, identification and description requirements, and assessments and mandates to conduct studies, prepare reports, and make recommendations that affect the management and management processes of marine fisheries by the Secretary of Commerce. These changes require revision of National Standards, of monitoring and research, of the procedures for the development and content of Fishery Management Plans and amendments by the Secretary. This overview outlines many of the tasks NMFS must complete to implement the SFA.

The Code of Federal Regulations (CFR) contains rules published in the Federal Register by departments and agencies under the Executive branch of the Federal Government. National Standards for Fishery Conservation and Management are found in Title 50, Chapter VI, Section 600.305, et seq. of the CFR (50 CFR 600.305, et seq.). SFA amendments will make many changes to National Standards necessary, including the revision of definitions and guidelines, and the addition of three new Standards. Following is a list of some of the changes to be made to the National Standards Guidelines, that provide a fishery management "how to" guide for Councils.

National Standard 1, Optimum Yield, (50 CFR 600.310) guidelines will be revised to reflect the new definition of "optimum", [SFA §102(7), M-SFCMA §3(28)] and the requirements to rebuild overfished stocks to levels consistent with Maximum Sustainable Yield (MSY), [SFA §108(a), M-SFCMA §303(a)(1)(A)], to specify (develop) criteria to identify overfishing, end overfishing and rebuild fish stocks, [SFA §108(a)(7), M-SFCMA §303(a)(10-14), and to develop criteria for stock rebuilding programs, [SFA §109(e), M-SFCMA §304(e)].

The new definition of "optimum" requires that protection of marine ecosystems be considered in establishing the optimum yield (OY), and that the OY for an overfished fishery must provide for rebuilding the fishery to a level that will maintain MSY .

Under National Standard 2, Scientific Information, (50 CFR 600.315) the Stock Assessment and Fishery Evaluation (SAFE) report requirements will be revised to include stock rebuilding programs and information on bycatch and fishing communities [SFA §110(b), M-SFCMA §305(c)]. The SAFE report provides Fishery Management Councils with information for, among other things, determining annual harvest levels and for documenting significant trends in the resource.

The SFA established three new National Standards on fishing communities, bycatch, and safety at sea. National Standard 8 requires that conservation and management measures consider the importance of fishery resources to fishing communities in order to sustain those communities' participation in the fishery and to minimize adverse economic impacts on those communities. A fishing community is defined as "a community which is substantially dependent on or substantially engaged in the harvest or processing of fishery resources to meet social and economic needs...." National Standard 8 guidelines will also provide interpretation of three key phrases: "sustained participation," substantially dependent," and "substantially engaged," as they pertain to the fishing community Standard [SFA §102(4), §106(b); M-SFCMA §3(16), §301(a)(8)].

National Standard 9 requires that conservation and management measures minimize bycatch or the mortality of bycatch "to the extent practicable" [SFA §106(b); M-SFCMA §301(a)(9)]. Bycatch is defined as "fish which are harvested in a fishery, but which are not sold or kept for personal use..." and specifically excludes fish released alive under a recreational catch-and-release program [SFA §102(1); M-SFCMA §3(2)].

The final new Standard, National Standard 10, requires that conservation and management measures promote the safety of human life at sea [SFA §106(b); M-SFCMA §301(a)(10)].

SFA amendments to the M-SFCMA require NMFS to carry out a number of activities to describe, identify, conserve, and enhance essential fish habitat (EFH). EFH is defined in the SFA as "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity." There are several new required FMP provisions, including requirements to: 1) Describe and identify EFH and adverse impacts to EFH for the fishery, based on guidelines established by NMFS; 2) minimize the adverse effects on EFH caused by fishing, to the extent practicable; and 3) identify other actions to encourage the conservation and enhancement of EFH. Once the FMPs are amended with EFH provisions, NMFS is required to recommend conservation and enhancement measures for any action undertaken by a state or Federal agency that would adversely affect any EFH. Within 30 days of receiving a NMFS recommendation, Federal agencies are required to respond with a written description of how they will follow the recommendation, or to explain why they are not going to follow the recommendation.

By October 11, 1998, all Fishery Management Plans (FMPs) and FMP regulations must be amended, where necessary, as required by §108(a)(b) of the SFA. All new FMPs, FMP amendments and FMP regulations must include new elements, including: Reporting methods to identify the type and amount of bycatch and to minimize bycatch or bycatch mortality [(§108(a)(7)]; identification and use of data on commercial, recreational,

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Overview of the Sustainable Fisheries Act (cont.)

and charter fishing components of the fishery [§108(a)(2)(7)]; description and identification of Essential Fish Habitat (EFH), minimization of adverse effects on EFH, and identification of actions that will encourage conservation of EFH [§108(a)(5)]; and assessment of the impact of FMP measures on the fishing community [§108(a)(5)]. Additionally, each FMP must contain specific criteria regarding overfishing: Specification of elements for identifying whether a fishery is overfished and measures to prevent overfishing; measures to rebuild overfished stocks and to ensure that, if deemed necessary, restrictions are equitably distributed among user groups; and including measures to minimize mortality in recreational catch and release programs [§108(a(1)(7)].

For each of the highly migratory species for which there is an FMP, NMFS must create advisory panels (APs) to advise NMFS in the development of FMPs or FMP amendments for these species, according to §107(e) of the SFA. The AP membership will consist of at least seven individuals knowledgeable about the fishery, will be balanced among commercial, recreational, and other interests, and will include individuals from advisory committees and working groups related to international negotiations regarding highly migratory species (the International Commission for the Conservation of Atlantic Tunas (ICCAT), for example).

SFA §109(g) requires the preparation of FMPs or amendments for each of the highly migratory species under NMFS' authority that are in need of management. In developing the FMP or amendment, NMFS must consult with and consider the comments of Fishery Management Councils and individuals affected by the FMP or amendment and evaluate the effects the FMP or amendment on U.S. fishermen. In addition, NMFS must make certain that elements of the FMP or amendment encourage scientific research programs and international conservation, and consider traditional U.S. fishing patterns. An ongoing requirement is that NMFS continually review and revise, as needed, the conservation and management measures of the FMP or amendment. The APs established to advise on the development of FMPs or amendments under this Section must meet the same requirements contained in SFA §107(e).

A study on the feasibility of implementing a system for managing pelagic longline fishing vessels that take part Atlantic highly migratory species fisheries must be completed by January 1, 1998 . In conducting the study, NMFS must establish an AP following the requirements of SFA §107(e) and conduct workshops and surveys with affected participants in the fishery to identify options for future management programs. After October 1, 1998, the Secretary may implement a management system for Atlantic pelagic longline fishing vessels based on the feasibility study [SFA §109(h)].

SFA amendments regarding Pacific Insular Areas (PIAs) define the PIAs as American Samoa, Guam, the Northern Mariana Islands (NMI), Baker Island Howland Island, Jarvis Island, Johnson Atoll, Kingman Reef, Midway Island, Wake Island, and all islands and reefs belonging to any of the above [SFA §102(8)]. Second, there is a recognition that, because of the PIAs' unique circumstances (geographical, cultural, and political, among others), the PIAs' fisheries resources are important to their economic growth [SFA §101(3)]. Third, a policy is established that the fishery resources in the EEZ adjacent to a PIA are to be utilized and managed for the benefit of the people of each Area. Fourth, negotiation of Pacific Insular Areas Fishery Agreements (PIAFA) is authorized; this would allow foreign fishing in the EEZ off the coasts of the PIAs [SFA §105(d)]. Finally, the SFA amendments establish that fees collected under a PIAFA for fishing in the waters near Guam, American Samoa, or NMI will be deposited into the treasury of that island's government, and fees collected from fishing near other islands will be deposited into a Sustainable Fisheries Fund for the Western Pacific.

Certain criteria must be met for fishing activities under PIAFAs. If there is an FMP in place to which the fishing under the PIAFA would apply, then all fishing under the PIAFA must conform to that FMP, and harvest levels must fall within the Total Allowable Level of Foreign Fishing (TALFF). Before any PIAFA will be allowed, a Marine Conservation Plan (MCP) must be established for the insular area. The MCP must include the establishment of an observer program; marine fisheries research; marine and coastal management conservation, education and enforcement activities; grants for assistance projects to the University of Hawaii; and community-based demonstration projects. A PIAFA is valid for a maximum of three years.

The Secretary is directed to establish a system for central registry of limited access system permits, including individual fishing quotas (IFQs). The system will provide for title registration, and "security interests" in these permits. "Security interests" include "...assignments, liens and other encumbrances of whatever kind." Procedures must be created for making changes to title registration in cases of involuntary transfers, foreclosures (judicial and nonjudicial), enforcement of judgments, and other appropriate matters; it will perfect title to, and liens against limited access permits (except Federal tax liens).

The Secretary will collect a fee at the time a permit title is registered or transferred. Fees collected will be deposited into a Limited Access System Administration Fund established in the Treasury. The purpose of the Fund is to implement the SFA in the fishery in which the fees are collected and to administer the Registry system [SFA §110(c); M-SFCMA §305(h)].

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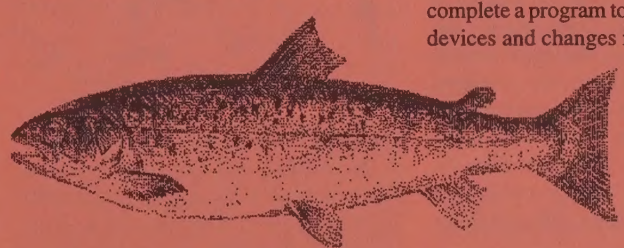
Overview of the Sustainable Fisheries Act (cont.)

Section 202 of the SFA requires the Secretary of Commerce to deliver a proposal to Congress by February 1998 that recommends an implementation strategy for the development and integration of a standardized fishing vessel registration and information management system (RIMS). The SFA requires RIMS to include and integrate all fishing vessel registration and data collection systems required under all applicable NMFS statutory and regulatory requirements including, but not limited to, the M-SFCMA, the Marine Mammals Protection Act, the Endangered Species Act, and the Atlantic Coastal Fisheries Cooperative Management Act in order to eliminate duplication . This section of the SFA also states that the proposal will be developed in consultation with the Coast Guard, the states, the regional Fishery Management Councils (Councils), the interstate Marine Fisheries Commissions (Commissions), and any other key governmental, non-governmental organizations or interested stakeholders. The proposal for RIMS must be published in the Federal Register for public comment by October 11, 1997, in preparation for submission of the proposal to Congress in February 1998.

A comprehensive fishery research program is required to be initiated and maintained to carry out and further the SFA. The program is to acquire information on fishery conservation and management and on the economic, social and ecological characteristics of the fisheries. The Secretary will publish a five-year Strategic Plan for fisheries research in the Federal Register by October 11, 1997 and at least every 3 years thereafter. The Strategic Plan will identify and describe a program for research on conservation engineering, on the fisheries, on economic, social and ecological information management, and to support fishery conservation and management. The Plan will be developed in cooperation with the Councils and affected states, include goals and timetables for the identified programs, provide a role for commercial fishermen in the research, and provide for collection and dispersion of research information [SFA §205].

The Secretary is required to establish an Advisory Panel (AP) to ascertain the extent to which ecosystems principles are being applied in fisheries conservation and management and to propose actions the Secretary and Congress should take to expand the application of ecosystem principles. There are to be no more than 20 panel members and include representatives from the Councils, states, fishing industry, conservation organizations, others with expertise in marine management and individuals who possess a mastery of the structures, functions and characteristics of ecosystems. The findings of the panel will be submitted in a report to Congress no later than October 11, 1998 [SFA §207(a); M-SFCMA §406].

The SFA requires the Secretary to conduct a thorough and independent evaluation of the scientific and management basis for the red snapper fishery in the Gulf of Mexico. Three independent review panels will examine the status of this fishery regarding: (1) The statistics used in assessments of the fishery



status, (2) the economic analyses supporting the establishment of individual transferable quotas (ITQs) in the fishery, and (3) the overall scientific basis for managing red snapper in the Gulf. Additionally, the SFA requires that during the review process commercial, recreational, and charter fishermen in this fishery be given the opportunity to participate in the peer review and provide information. A detailed report will be submitted by October 11, 1997, to the Gulf of Mexico Fishery Management Council (GMFMC), which manages the red snapper fishery in the Gulf [SFA §207(b); M-SFCMA §407(a)].

Bycatch/Incidental Harvest Research amendments to the SFA require that, before July 11, 1997, collected summaries of information gathered before June 30, 1994, must be made available to the public. It also requires the Secretary to complete an information collection to assess the impact of incidental harvest from shrimp trawling on fishery resources by July 11, 1997, after consulting with the GMFMC and the South Atlantic Fishery Management Council (SAFMC). Stocks of fish that are subject to "significant" incidental harvest from the shrimp trawl must be identified.

With priority to stocks which are considered to be overfished, the Secretary will carry out a program to collect and evaluate information on the nature and extent of incidental mortality of the stocks as a result of shrimp trawl fishing; an assessment of the status of the stocks; and a program of information evaluation and collection for the stocks on the extent and distribution of fishing mortality and effort from sources other that shrimp trawls.

By October 11, 1997, the Secretary must complete a program to develop technology, devices and changes in fishing operations that will minimize bycatch mortality from shrimp trawling. Further, NMFS is to evaluate ecological, economic and social impacts, benefits and costs, and the practicality of devices and operational changes. A detailed report of these results must be submitted to Congress within one year of the completion of the programs [SFA §206].

A report on the study of contributions of bycatch to charitable organizations by commercial fishermen must be submitted to Congress by October 11, 1997. The study will determine the amount of bycatch contributed annually to charitable organizations; the economic benefits to the fishermen who make the contributions; and the impact of the availability of those benefits on the fisheries [SFA §208].

Essential Fish Habitat

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In addition to publication of the proposed rule, a Technical Assistance Manual was made available to the public on April 23, 1997, . The Manual provides a non-binding additional interpretation on specific implementation topics that may assist the Councils with preparation of their EFH amendments. This document will be issued as a revised draft and be made available for an additional comment period of 30-60 days, after the regulation is finalized.

The NMFS Office of Habitat Conservation has sought public input at every step of the development of this proposed regulation. The proposed regulation was preceded by two advanced notices of proposed rulemaking (ANPRs) published in the Federal Register - the first on November 8, 1996, and the second on January 9, 1997, with 30- and 35-day comment periods, respectively. The second ANPR announced the availability of the "Framework for the Description, Identification, Conservation, and Enhancement of Essential Fish Habitat" (Framework), which contains a detailed outline of the agency's proposals for the regulations. Prior to the most recent extension of the proposed rule comment period, the public had 109 days to review and comment on the NMFS proposals. During these public comment periods, NMFS has held 22 widely publicized public meetings, briefings, and workshops across the nation.

NMFS anticipates that the regulation will be finalized in late summer and the final Technical Assistance Manual published in early fall.

HMS Advisory Panels

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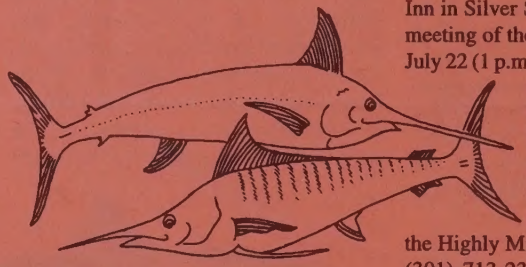
Commission on the Conservation of Atlantic Tunas (ICCAT).

According to the M-SFCMA, the APs will assist NMFS in the collection and evaluation of information relevant to the development of its FMPs. The panels will be involved in planning and scoping during the development of the FMPs and plan amendments, and the preparation of final proposed plans and plan amendments. The APs will become an integral part of the HMS management process and will add an important layer of constituent input to the development of HMS FMPs.

The M-SFCMA provides for an additional AP to assist NMFS in planning future management of the pelagic longline fishery for Atlantic HMS. The pelagic longline AP will conduct a study of the feasibility of implementing a comprehensive management system for the pelagic longline fishery for HMS. The study design will be based on both the results of the AP deliberations and the outcomes of a series of surveys and workshops with participants in the fishery and the general public.



The HMS Division solicited nominations to the Billfish and Longline Advisory Panels through a Federal Register notice in February 1997. There was tremendous interest in the APs and many highly qualified people were nominated to the panels. Seven people, representing the balance of interests in the fisheries, were selected for each panel. They are:
Longline AP: Nelson Beideman, Blue Water Fishermen's Association, New Jersey ; Emmerson Hasbrouck, Cornell Cooperative Extension Service; Steve Loga, Tuna Fresh, Louisiana; Putnam Maclean, Eagle Eye Seafoods, Massachusetts; Ellen Peel, The Billfish Foundation, Florida; Carl Safina, National Audubon Society, NY; and Robert Spaeth, Southern Offshore Fishing Association, Florida.

Billfish AP: Nelson Beideman, Blue Water Fishermen's Association, New Jersey; Linda Lucas, Eckerd College, Florida; Ellen Peel, The Billfish Foundation, Fort Lauderdale; Bob Zales, Florida; Rom Whitaker, Hatteras Harbor Charter Boat Association, North Carolina; Bob Hayes, Coastal Conservation Association, Washington, D.C.; and Carl Safina, National Audubon Society, New York.

Several more APs will be formed to address issues in the Atlantic shark, swordfish and tuna fisheries. The Office of Sustainable Fisheries is currently deciding whether some of these APs should be combined to streamline the management process. Announcements of the combination of these APs and a request for nominations will be sought in the coming weeks through a Federal Register notice.

The first meeting of the Longline AP will take place July 9 (1 p.m. to 5 p.m.) and July 10 (8:30 a.m. - 5 p.m.) at the Holiday Inn in Silver Spring, Maryland. The first meeting of the Billfish AP will take place July 22 (1 p.m. to 5 p.m.) and July 23 (8:30 a.m. - 5 p.m.) in building SSMC IV in Silver Spring, Maryland. All advisory panel meetings are open to the public. Contact Jill Stevenson or Liz Lauck in the Highly Migratory Species Division at (301) 713-2347 for further information about the HMS Advisory Panels.

Red Snapper Peer Review Panels

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The Science and Management Panel will examine models, data and methods used to provide scientific management advice for the Gulf red snapper fishery, and whether the available scientific data support the current conservation and management system or whether alternate methods should be explored.

The Secretary of Commerce is required to submit a report of the findings of the panels to the Gulf of Mexico Fishery Management Council by October 11, 1997.

Making Progress on Pacific Insular Area Requirements

In February 1997, the first meeting of a working group comprised of representatives from NMFS, the Western Pacific Fisheries Management Council, and Guam, American Samoa and the Northern Mariana Islands (U.S. Pacific Insular Areas) was convened in Honolulu, Hawaii. The purpose of the working group meetings is to help the Pacific Insular Area (PIA) governments develop a model Pacific Insular Area Fishery Agreement (PIAFA) for the management of foreign fishing. Other workshop tasks include developing Marine Conservation Plans (MCPs), reviewing the Foreign Fishing Regulations, developing a fisheries observer program, and deciding how Total Allowable Level of Foreign Fishing (TALFF) will be developed. The working group also discussed the method(s) of charging fees, and how to determine the TALFF .

The second working group meeting was convened in April 1997 in Honolulu, Hawaii. The U.S. Insular Area representatives presented updates on the status of developing MCPs, observer programs, Western Pacific Demonstration Projects, model PIAFAs, and TALFF. PIA representatives requested that the next workshops be held in each Insular Area.

Progress on establishing general foreign fishing regulations continues. However, these regulations must include specific requirements under the SFA. Some requirements include area closures, transhipment activities, procedures for picking up observers, and establishing record-keeping requirements. Other operational requirements that are necessary to properly manage fisheries are also being examined.

There is no model PIAFA established at this point. Representatives from the U.S. Department of State will be providing further assistance to the PIA and NMFS, as work on a draft PIAFA proceeds. The PIAFA will set the terms between the Government of the United States and a foreign government for fishing in the EEZ around a PIA. Fee payment, observer pay requirements and how they are to be made, as well as other management requirements may also be negotiated in the agreement.

The next working group meetings are tentatively scheduled for June 29-30 in Saipan, Northern Mariana Islands; July 2-4 in Guam; and July 14-16 in American Samoa. The agendas for these meetings continue the work of previous meetings.

Comment Period for Limited Access Permits Registry Remains Open

In preparation for establishing a Central Title and Lien Registry System for Limited Access Permits as required by the SFA, NMFS published an advanced notice of proposed rulemaking (ANPR) and request for comments in the Federal Register on March 6, 1997 (62 FR 10249). NMFS seeks comments regarding components of the as yet undeveloped Registry System. The period for commenting on the Registry System has been extended to August 5, 1997. Before proposing regulations for the Registry System, numerous issues must be addressed; there are 28 specific questions in the ANPR to which NMFS would like to receive comments. Following are some general components of the Registry System that must be determined.

Congress did not specify that NMFS must administer the Registry System; rather, it gave NMFS the option of establishing a contract for that service. The question that needs to be answered is who should manage the Registry System? Currently, NMFS is considering administering the Registry System itself.

Regardless of who runs the Registry System, the administration location must be determined. NMFS is considering the option of running the Registry System out of its Regional Office in Juneau, Alaska. That Office already administers transferable limited access permits (LAPs). The Alaska Regional Office management system could be used as a centralized national registry, with non-Registry System functions being handled out of regional locations.

Another key question is whether the title registration should be mandatory or voluntary. If the system were voluntary, then registration would only be required for those LAPs for which title transfers were filed or against which liens were filed. If the system were mandatory, however, the Registry System might be more reliable and secure. There are several potential problems with the mandatory scenario, however. People who aren't considering selling or pledging their LAP may resent the time and cost of the Registry System; the Registry System may be a burden for seasonal LAPs; and excess Government work may be incurred by registering all LAPs. Although, there are ways of automatically registering titles through the normal LAP administration process.

Since Registry System fees are limited to 0.5% of the value of the LAP, a method must be established for determining what the value of the LAP is. While there is market-value information for some LAPs, there may be none for others. What is the best way of determining the "value" of a LAP?

The SFA requires fees for the initial registration and for registration of title transfers. How should these fees be determined? Should it be a flat rate, a percentage of the cost LAP, or a percentage of market value? Any of these options would require specific methods be employed to determine the fees.

These are only a few general questions regarding the development of the Registry System. The majority of the questions involve a lot of technically substantive issues that are critical to the Registry System's operation. For the balance of the questions to be resolved, please see the ANPR mentioned above. All comments should be made to: Michael L. Grable, Chief, Financial Services Division, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

Department of Commerce/NOAA
National Marine Fisheries Service
Office of Sustainable Fisheries
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Vessel Registration and Information Management System

NMFS has begun work on the SFA requirement to submit recommendations to Congress on a standardized fishing vessel registration and information system (RIMS). In cooperation with the U.S. Coast Guard, NMFS is evaluating the present vessel documentation system for Coast Guard-documented vessels and a proposed vessel information system (VIS) for state registered vessels. Testing of the VIS will begin this fall with four states - Massachusetts, Virginia, Arizona, and Wisconsin.

NMFS has recently retained the services of ICF-Kaiser to assist in data gathering, conducting stakeholder meetings, and report writing. ICF-Kaiser will also develop a website that will allow stakeholders access to the latest information on the project. The site should be online soon.

INTERNET http://www.kingfish.ssp.nmfs.gov/sfa

To keep abreast of SFA implementation, visit the NMFS Sustainable Fisheries Act homepage on the internet at http://kingfish.ssp.nmfs.gov/sfa. From this site, there are links to the text of the M-SFCMA, a Guide to the Sustainable Fisheries Act, a list of SFA implementation activities, and issues of the *SFA Update*. For general NMFS information, see the NMFS homepage at http://kingfish.ssp.nmfs.gov/. This page contains links to the NOAA Fisheries Strategic Plan, a draft of the NMFS bycatch plan, and other NMFS-related items. Many NMFS office and region pages are also accessable from this site, including the Office of Protected Resources the Office of Habitat Protection, and the Alaska, Northeast, Northwest and Southeast Regions.

Don't forget to investigate the NOAA homepage at http://www.noaa.gov/. Information at the NOAA homepage includes the NOAA Strategic Plan, NOAA program elements, access to NOAA information and data services, and, of course, links to NMFS pages.

Another important site is the Government Printing Office (GPO) homepage at http://www.access.gpo.gov/. This site provides GPO access to electronic Government databases including the Federal Register, the Congressional Record, and the Code of Federal Regulations. Another source for government documents is the Thomas Jefferson Library of Congress homepage at http://thomas.loc.gov/. This site provides access to Congressional databases including information on bills (major legislation, summaries and status, and text), committee reports and current activity in Congress.